

FACILITATING THE WORK OF TRAVELING SALESMEN

Convention and protocol signed at Lima January 19, 1923

Senate advice and consent to ratification February 27, 1923

Proclaimed by the President of the United States July 18, 1924

Ratified by Peru June 15, 1924

Ratifications exchanged at Lima July 8, 1924

Entered into force July 8, 1924

Proclaimed by the President of the United States July 18, 1924

43 Stat. 1802; Treaty Series 692

CONVENTION CONCERNING COMMERCIAL TRAVELERS

The United States of America and the Republic of Peru, being desirous to foster the development of commerce between them and to increase the exchange of commodities by facilitating the work of traveling salesmen, have agreed to conclude a Convention for that purpose and have to that end appointed as their Plenipotentiaries:

The President of the United States of America, Mr. Frederick A. Sterling, Chargé d'Affaires *ad interim* in Lima, and the President of Peru, Doctor Alberto Salomón, Minister for Foreign Affairs, who, having communicated to each other their full powers, which were found to be in due form, have agreed upon the following articles:

ARTICLE I

Manufacturers, merchants, and traders domiciled within the jurisdiction of one of the High Contracting Parties may operate as commercial travelers either personally or by means of agents or employees within the jurisdiction of the other High Contracting Party on obtaining from the latter, upon payment of a single fee, a license which shall be valid throughout its entire territorial jurisdiction.

In case either of the High Contracting Parties shall be engaged in war, it reserves to itself the right to prevent from operating within its jurisdiction under the provisions of this convention, or otherwise, enemy nationals or other aliens whose presence it may consider prejudicial to public order and national safety.

ARTICLE II

In order to secure the license above mentioned the applicant must obtain from the country of domicile of the manufacturers, merchants, and traders represented a certificate attesting his character as a commercial traveler. This certificate, which shall be issued by the authority to be designated in each country for the purpose, shall be viséed by the consul of the country in which the applicant proposes to operate, and the authorities of the latter shall, upon the presentation of such certificate, issue to the applicant the national license as provided in Article I.

ARTICLE III

A commercial traveler may sell his samples without obtaining a special license as an importer.

ARTICLE IV

Samples without commercial value shall be admitted to entry free of duty.

Samples marked, stamped or defaced in such manner that they cannot be put to other uses shall be considered as objects without commercial value.

ARTICLE V

Samples having commercial value shall be provisionally admitted upon giving bond for the payment of lawful duties if they shall not have been withdrawn from the country within a period of six (6) months.

Duties shall be paid on such portion of the samples as shall not have been so withdrawn.

ARTICLE VI

All customs formalities shall be simplified as much as possible with a view to avoid delay in the despatch of samples.

ARTICLE VII

Pedlers and other salesmen who vend directly to the consumer, even though they have not an established place of business in the country in which they operate, shall not be considered as commercial travelers, but shall be subject to the license fees levied on business of the kind which they carry on.

ARTICLE VIII

No license shall be required of:

- (a) Persons traveling only to study trade and its needs, even though they initiate commercial relations, provided they do not make sales of merchandise.
- (b) Persons operating through local agencies which pay the license fee or other imposts to which their business is subject.
- (c) Travelers who are exclusively buyers.

ARTICLE IX

Any concessions affecting any of the provisions of the present convention that may hereafter be granted by either High Contracting Party, either by law or by treaty or convention, shall immediately be extended to the other Party.

ARTICLE X

This convention shall be ratified; and the ratifications shall be exchanged at Washington or Lima within two years, or sooner if possible.

The present convention shall remain in force until the end of six months after either of the High Contracting Parties shall have given notice to the other of its intention to terminate the same, each of them reserving to itself the right of giving such notice to the other at any time. And it is hereby agreed between the Parties that, on the expiration of six months after such notice shall have been received by either of them from the other Party as above mentioned, this Convention shall altogether cease and terminate.

In testimony whereof the respective plenipotentiaries have signed these articles and have thereunder affixed their seals.

Done in duplicate, in English and Spanish, at Lima, this nineteenth day of January one thousand nine hundred and twenty-three.

FREDERICK A. STERLING	[SEAL]
A. SALOMÓN	[SEAL]

PROTOCOL

For the better fulfillment of the provisions of the Convention concerning commercial travelers, signed today, the undersigned Mr. Frederick A. Sterling, Chargé d'Affaires *ad interim* of the United States of America; and Doctor Alberto Salomón, Minister for Foreign Relations of Peru, representing their respective countries, have agreed as follows:

ARTICLE I

Regulations governing the renewal and transfer of licenses, and the imposition of fines and other penalties for any misuse of licenses, may be made by either of the High Contracting Parties whenever advisable, within the terms of the present Convention, and without prejudice to the rights defined therein.

If such regulation should permit the renewal of licenses, the corresponding fee will not be greater than that charged for the original license.

If such regulations should permit the transfer of licenses, upon satisfactory proof that transferee or assignee is in every sense the true successor of the original licensee, and can furnish a certificate of identification similar to that

furnished by the said original licensee, he will be allowed to operate as a commercial traveler pending the arrival of the new certificate of identification, but the cancellation of the bond for the samples shall not be effected before the arrival of the said certificate.

ARTICLE II

It is the citizenship of the firm that the commercial traveler represents, and not his own, that governs the issuance to him of a certificate of identification.

In order to obtain practical results, the High Contracting Parties agree to empower the local customs officials to issue the said licenses upon surrender of the certificate of identification and authenticated list of samples, acting as deputies of the central office constituted for the issuance and regulation of licenses. The said customs officials shall immediately transmit the appropriate documentation to the said central office, to which the licensee shall thereafter give due notice of his intention to ask for the renewal or transfer of his license, if these acts be allowable, or cancellation of his bond, upon his departure from the country. Due notice in this connection will be regarded as the time required for the exchange of correspondence in the normal mail schedules, plus five business days for purposes of official verification and registration.

ARTICLE III

It is understood that the traveler will not engage in the sale of other articles than those embraced by his lines of business; that is to say, he may sell his samples, thus incurring an obligation to pay the customs duties thereupon, but he may not sell other articles brought with him or sent to him, which are not reasonably and clearly representative of the kind of business he purports to represent.

ARTICLE IV

Advertising matter brought by commercial travelers in appropriate quantities shall be treated as samples without commercial value. Objects having a depreciated commercial value because of adaptation for purposes of advertisement, and intended for gratuitous distribution, shall, when introduced in reasonable quantities, also be treated as samples without commercial value. It is understood, however, that this prescription shall be subject to the customs laws of the respective countries.

ARTICLE V

If the original license were issued for a period longer than six months, or if the license be renewed, the bond for the samples will be correspondingly extended. It is understood, however, that this prescription shall be subject to the customs laws of the respective countries.

ARTICLE VI

Samples accompanying the commercial traveler will be despatched as a portion of his personal baggage; and those arriving after him will be given precedence over ordinary freight.

In witness whereof, they have signed and sealed this Protocol in duplicate, in English and Spanish, at Lima, this nineteenth day of January one thousand nine hundred and twenty three.

FREDERICK A. STERLING [SEAL]

A. SALOMÓN [SEAL]